

REMARKS

It is respectfully requested that this application be reconsidered in view of the following remarks.

Restriction Requirement

Claims 1 and 35-59 stand restricted under 35 U.S.C. §121 into the following two groups defined in the Office Action as:

Group I: Claims 1 and 35-56, drawn to compounds; and

Group II: Claims 57-59 drawn to a method of using compounds.

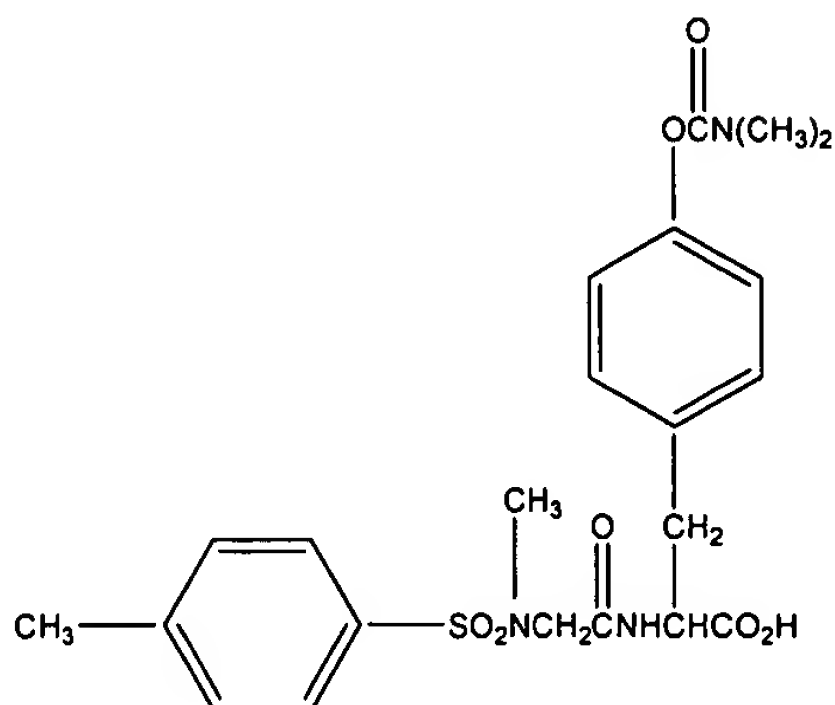
In response to this restriction requirement, Applicants elect, with traverse, the invention of Group I, Claims 1 and 35-56.

Applicants traverse this restriction requirement because a search of the inventions of Group I and Group II would not impose an unreasonable burden on the Examiner. As noted in MPEP §803, if examination of the entire application can be made without serious burden to the Examiner, restriction is improper even if the application includes claims which are independent and distinct. In this case, the method claims utilize the very compounds recited in the compound claims and, accordingly, an appropriate search of the compounds must include prior art which encompasses the methods in order to ascertain the patentability of these compounds. Accordingly, a serious burden is not imposed by examining these claims together.

Withdrawal of this restriction requirement is earnestly solicited.

Election of Species

In addition to the above, Applicants were required to elect a single disclosed species. In response thereto, Applicants elect, without traverse, the species:



This compound is recited as compound 6 on page 45 of the specification. Applicants submit that this species reads on Claims 1, 36-38, 40-43, 45-46, 48-50 and 52-55.

CONCLUSION

Applicant requests early examination of the elected subject matter on the merits. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0872** referencing docket no. 428372000910. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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